

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

KILEY E. DOUYON, #02284392,

Plaintiff,

V.

ELIZABETH TYSON, et al.,

Defendants.

Case No. 6:20-cv-311-JDK-JDK

ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Kiley E. Douyon, a former prisoner confined within the Texas Department of Criminal Justice, proceeding pro se and *in forma pauperis*, filed this section 1983 proceeding. The complaint was referred to United States Magistrate Judge, the Honorable John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the case.


On September 29, 2020, Judge Love issued a Report recommending that Plaintiff's civil rights lawsuit be dismissed, without prejudice, for Plaintiff's failure to comply with an order of the Court. Docket No. 18. A copy of the Report was sent to Plaintiff at the address he recently provided, with an acknowledgment card.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law.

Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 18) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED**, without prejudice, for Plaintiff's failure to comply an order of the Court. Finally, it is **ORDERED** that any and all motions which may be pending in this case are hereby **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this 3rd day of November, 2020.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE